

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

NICHOLAS GUEDRY, #443348

Plaintiff,

v.

CASE NUMBER: 09-11522

HON. MARIANNE O. BATTANI

DAN RIOPELLE, JOHN DOE,
NURSE JANE DOE, and
OFFICER JOHN DOE,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION
AND GRANTING GAIL STALEY'S MOTION FOR SUMMARY
JUDGMENT AND DISMISSING PLAINTIFF'S COMPLAINT**

Plaintiff, Nicholas Guedry, filed a complaint alleging that Defendants violated his constitutional rights through their deliberate indifference to his serious medical needs. The case was referred to Magistrate Judge Mark A. Randon for all pretrial proceedings. See 28 U.S.C. § 636(b)(1). On November 8, 2010, the Magistrate Judge recommended that the Court grant Defendant's Motion for Summary Judgment. The Magistrate Judge informed the parties that objections to the R&R must be filed within fourteen days of service and that a party's failure to file objections would waive any further right of appeal. See R&R at 8; 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(2); Thomas v. Arn, 474 U.S. 140 (1985).

Because no objection has been filed in this case, the parties waived their right to review and appeal. Accordingly, the Court **ADOPTS** the Report and Recommendation, **GRANTS** Defendant's motion for summary judgment, and **DISMISSES** Plaintiff's claims against Staley with prejudice. Further, because the sole remaining Defendant, has never been served, and the time for service has expired, this Court **DISMISSES** all claims against Guinn without prejudice.

Plaintiff's Complaint is **DISMISSED** in its entirety.

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

Dated: December 9, 2010

CERTIFICATE OF SERVICE

Copies of this Order were served upon Plaintiff (last known address) and counsel of record on this date by ordinary mail and/or electronic filing.

s/Bernadette M. Thebolt
Deputy Clerk